

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DEMENCIO BAEZ,

Plaintiff,

v.

Civ. No. 9:04-CV-819
(FJS/RFT)

JOSEPH E. McCOY and J. KEISER,

Defendants.

APPEARANCES:

OF COUNSEL:

DEMENCIO BAEZ
Plaintiff, Pro Se
88-A-5196
Southport Correctional Facility
PO Box 2000
Pine City, NY 14871

HON. ELIOT SPITZER
Attorney General of the
State of New York
Attorney for Defendants
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Syracuse, NY 13204

PATRICK F. MacRAE, ESQ.
Asst. Attorney General

FREDERICK J. SCULLIN, JR., Sr. D.J.:

DECISION AND ORDER

The above-captioned matter having been presented to me by the Report-Recommendation of Magistrate Judge Randolph F. Treece filed March 16, 2006 and the Court having reviewed the Report-

Recommendation and the entire file in this matter, and no objections to said Report-Recommendation having been filed, it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge Randolph F. Treece filed March 16, 2006 is **ACCEPTED** in its entirety, for the reasons stated therein; and it is further

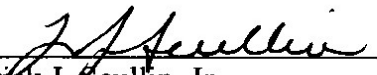
ORDERED, that the Motion for Summary Judgment is **GRANTED**, and it is further

ORDERED, that the Complaint is hereby **DISMISSED** in its entirety, and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of Defendants and close this case.

IT IS SO ORDERED.

DATED: April 7, 2006
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge